



**ELECTRONIC FILING PROCEDURES
FOR SOCIAL SECURITY CASES
JULY 21, 2006**

*Check our website: www.mdd.uscourts.gov for updates.

E-FILING IN SOCIAL SECURITY CASES

E-filing is mandatory in social security cases filed on or after August 1, 2006 and in all cases pending as of August 1, 2006.

CASE OPENING

OPTION 1: OPENING A SOCIAL SECURITY CASE ELECTRONICALLY

This court has not allowed attorneys to open their own cases. As a pilot project we are offering this option to attorneys filing social security cases. If you wish to participate in this project you must first contact Fran Kessler at 410-962-3191 so that your e-filing account can be modified to allow you to open cases. You or someone from your office will be required to attend a special training session. Once your account is configured to open cases, you should only use it to open cases involving an appeal of the denial of social security benefits. All other civil cases are to be filed in the traditional manner.

Prepare your complaint, summons(es) and civil cover sheet. Convert each document to a separate PDF. The complaint should **not** include the Plaintiff's social security number. Prepare a second document Statement of Social Security Number. The Statement should be served with the complaint and summons but **not** filed with the court. A sample Complaint and Statement of Social Security Number are attached as Appendices A and B.

Log into the CM/ECF system.

On the Blue Menu Bar click on Civil.

Under Open a Case click on Open Case.

The next few screens will prompt you to enter information about the case which is used to set up the docket sheet for your case and which the Administrative Office of the Courts uses to compile national statistics. It is very important that this information is entered correctly.

For the Office pick Greenbelt if the plaintiff lives in Calvert, Charles, Montgomery, Prince George's, or Saint Mary's county. Pick Baltimore if the plaintiff lives in any other county or Baltimore City.

The Case type is cv.

Do not fill in any information for Lead case number, Other court name, or Other court number. If you think your case is related to another case in this court under L.R. 103.1.b, check the box for Related cases and click Next. You will be prompted to enter the related case number. Please do this in the form of [Office (1 or 8)]:[Year (2 digit)]-cv-[number]. For example: 1:06-cv-1234. Do not include the judge's initials. You will then be prompted to confirm the Related case number. If it is correct click on Next. **Note:** The system will still randomly assign a judge to your case. When court staff reviews it a determination will be made as to whether it is in fact a

related case which should be reassigned to the judge who handled the first case.

The screenshot shows the ECF system interface. At the top is a blue header with the ECF logo and navigation links: Civil, Criminal, and Query. Below the header, the title 'Open and Assign Civil Case' is displayed. The form contains several fields: 'Office' with a dropdown menu set to 'Baltimore', 'Case type' with a dropdown menu set to 'CV', and 'Case number' which is empty. Below these is 'Date filed' with the value '6/12/2006'. Further down is 'Lead case number' with an empty text box, and 'Association type' with a dropdown menu set to 'consolidated'. Below that is 'Other court name' with an empty text box, and 'Other court number' with an empty text box. At the bottom left, there is a checkbox labeled 'Related cases' which is unchecked. At the bottom right, there are two buttons: 'Next' and 'Clear'.

Click on Next.

For Jurisdiction pick 2 (U.S. Government Defendant).

Select the closest cause of action to the one you filled in on the civil cover sheet. For statistical reasons the causes of actions in the system do not directly match U.S.C. citations. The three most common causes of action used in social security appeals are: 42:0405id (denial of SSI benefits); 42:0405wc (denial of disability benefits); and 42:0405ww (denial of disability benefits to a widow or widower).

Pick the Nature of suit you filled in on the civil cover sheet. In social security cases the most common nature of suit codes are 863 (Social Security DIWC/DIWW) and 864 (Social Security SSID Tit. XIV).

Leave Origin as 1 (Original Proceeding). Do not fill in the citizenship of plaintiff or defendant. Leave the Jury demand as n (none) and class action as n. Do not fill in an Arbitration code. Do not fill in a Demand.

Pick the plaintiff's county of residence from the drop down menu.

ECF Civil • Criminal • Query • Reports •

Open and Assign Civil Case

Jurisdiction 2 (U.S. Government Defendant) ▼

Cause of action 42:0405id (42:405 Review of HHS Decision (SSID)) ▼

Nature of suit 864 (Social Security: SSID Tit. XIV) ▼

Origin 1 (Original Proceeding) ▼

Citizenship plaintiff ▼

Citizenship defendant ▼

Jury demand n (None) ▼ Class action n ▼ Demand (\$000)

Arbitration code County Allegany ▼

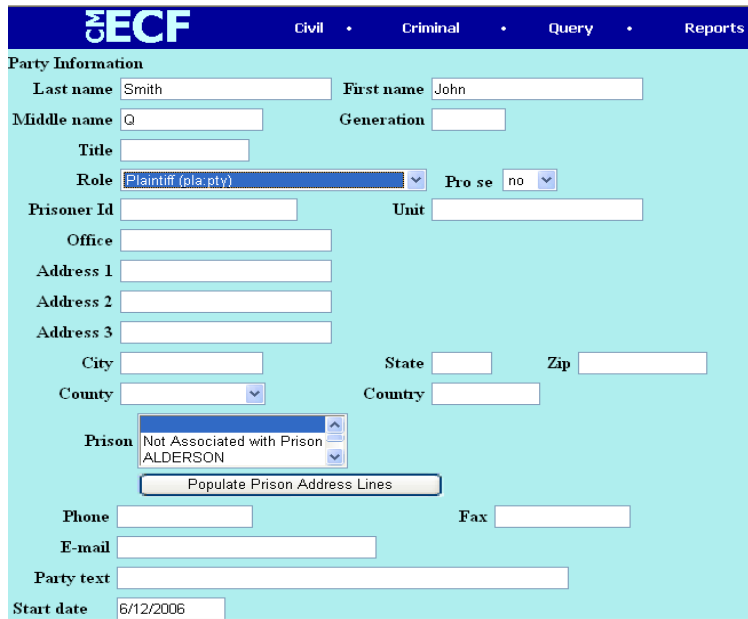
Fee status fp (in forma pauperis) ▼ Fee date 6/12/2006 Date transfer

For the Fee status pick pd (paid) if you are going to pay the filing fee or fp (in forma pauperis) if you are filing an IFP motion. If you are going to pay the filing fee it must be received by the clerk's office within two working days from the date the case was opened. If it is not, your summonses will not be issued and the case will be dismissed without prejudice. When you send in the filing fee be sure to include the case name and number. **NOTE: The court is in the process of implementing an on-line payment system. Once this system is fully implemented you will be required to pay the fee on-line, by credit card.** If you seeking leave to proceed in forma pauperis, the motion must be filed immediately after the complaint is filed. Leave the Fee date blank.

Click Next.

The next step is to enter the parties. It is very important that this information be entered accurately and that you not fill in any extra information even if the system shows text boxes for it to be filled in.

Type in the last name of the plaintiff and click Search. If a list of names appears and one is an **exact** match, click on that name and the Select name from list. If no list appears or if there is no exact match on the list, click on Create new party. On the Party Information screen fill in the last name, first name, middle initial, and generation (if applicable). Be sure to change the Role to Plaintiff. **Do not fill in the plaintiff's address or any other information on this screen.** Click on Submit.



ECF Civil • Criminal • Query • Reports

Party Information

Last name First name

Middle name Generation

Title

Role Pro se

Prisoner Id Unit

Office

Address 1

Address 2

Address 3

City State Zip

County Country

Prison

Phone Fax

E-mail

Party text

Start date

Special instructions if the plaintiff is a parent or guardian appealing the denial of benefits for a minor child: Enter the parent or guardian's name and pick the role Plaintiff. At the bottom of the screen click on [Alias](#). Search for the minor child's name. If a list of names appears and one is an **exact** match, click on that name and the [Select name from list](#). If no list appears or if there is no exact match on the list, click on [Create new alias](#). On the Alias Information screen fill in the minor child's name. Select obo from the drop down list next to **Role**. Click on [Add alias](#). When you are back on the Party Information screen click on [Submit](#).

Type in the last name of the defendant and click [Search](#). You will find several variations on the name Jo Anne B. Barnhart. Select the one that matches the way you typed her name on your complaint and summonses. Click on [Select name from list](#). Under Party Text, you may type in her title exactly as it appears on your complaint, i.e., Commissioner, Social Security Administration. Do not change or fill in any other information. Click on [Submit](#).

Click on [End Party Selection](#). This is the last step before the case is opened. After you click on the [Next](#) button the case will be opened and you will not be able to go back and change any of the information you have entered.

Click on [Next](#). You will receive a message that Case Number [] has been opened. Write down the case number. You will see a link [Docket Lead Event?](#) Click on this link.

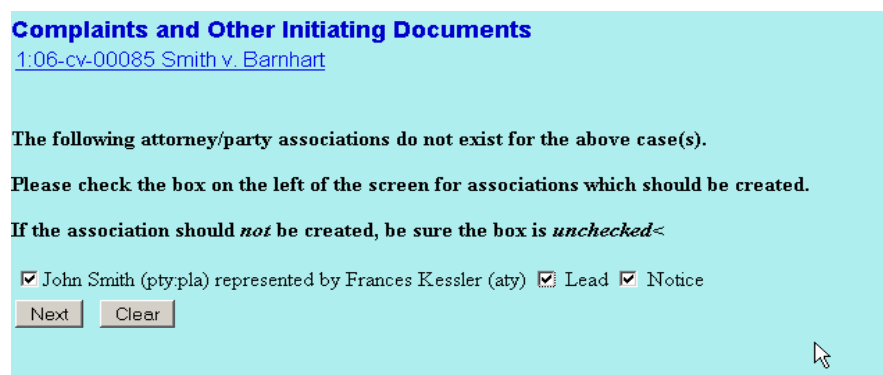
The next step is to docket your complaint and attached documents. The complaint must be filed immediately after the case is opened. If for any reason you cannot file your complaint after opening a case, you must contact court staff immediately.

You will see a screen Complaints and Other Initiating Documents. Click on the arrow next to

the blank box. From the drop down menu chose Complaint and click on Next. The system should automatically fill in the case number that was assigned to your case. If for some reason it does not you will need to fill it in. Click Next.

The next screen should show your case number and the short title of the case. You will be prompted to select the filer. Chose the plaintiff and click Next.

You will receive a message that “The following attorney/party associations do not exist for the above case” with the plaintiff’s name and your name. **Make sure that the box to the left of the screen is checked and that the boxes for both Lead and Notice are checked.** If you do not do this, your appearance will not be entered and you will not receive electronic notification of any filings. Click Next.



You will be prompted to select the party that the filing is against. Click on the Defendant and then Next.

The system will display a select PDF document screen. The system will not let you proceed unless you select a document. To select a document you can either enter the path and filename of the document in the Filename box or you can click on the Browse... button to view documents on your computer and/or network. Clicking the Browse... button will cause the system to display a File Upload pop up. To find a PDF document make sure that the box Files of type is set to display All files or PDF files. Once you have located the PDF version of your complaint, click on it to select it. To verify that the document is the correct one, right click on the file name then click on Open. This will cause the system to display the document. Once you have verified the document is correct close out of it. Click on Open in the File Upload box. The system will then insert the path and file name in the file name box. Check Yes for the prompt Attachments to Document. Click on Next.

Complaints and Other Initiating Documents

[1:06-cv-00085 Smith v. Barnhart](#)

Select the **pdf** document (for example: C:\199cv501-21.pdf).

Filename

Attachments to Document: ☒ No ☐ Yes

The system will display another select PDF document screen. Browse... or enter the path and filename for your summons and select as above. Leave the Category blank and under Description type in Summons. Click on Add to List. Repeat this process to attach your civil cover sheet. Under category chose Civil Cover Sheet. Leave the description blank. Click on add to List. **Do not attach any motions to the complaint. All motions must be separate entries from the complaint.** Click on Next.

Complaints and Other Initiating Documents

[1:06-cv-00085 Smith v. Barnhart](#)

Select one or more attachments.

1) Enter the **pdf** document that contains attachment (for example: C:\appendix.pdf).

Filename

2) Before proceeding to step 3, describe the document using the Category list, the Description box, or both.

Category

Description

3) Add the filename to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is complete, click on the Next button.

Add to List

Remove from List

Next

If when opening the case you chose the fee status pd for paid, you will see a screen that prompts you for a Receipt number. Leave this field blank and click on Next.

The next screen will display the docket text for the docket entry. Click on Next.

The system will display the final text of the docket entry along with a warning that clicking Next

will file the document. Up to this point no information about the complaint has been entered into the system and no notification has been sent to anyone. If you wish to change something you can click on your browsers Back button until you reach the point where you want to make the change. If you are ready to file click on Next.

The system will then display a notice of electronic filing. Your name and email address should appear under the language Notice has been electronically mailed to. This is proof the document has been filed as well as the date and time it was filed. It is in effect a “date stamped” copy. You can save or print a copy of this notice.

If you are seeking leave to proceed in forma pauperis, you must now file the IFP motion. It is not necessary to submit a proposed order because in most cases the court will rule on the motion with a “paperless” order or prepare its own order.

On the Blue Menu Bar click on Civil then Motions. From the drop down menu chose Proceed In Forma Pauperis and click on Next.

Fill in your case number and click Next.

You will be prompted to select the filer (plaintiff). Then click Next.

The system will display the Select PDF screen. Select your motion and click Next.

The system will display a response deadline. You should ignore this deadline since IFP motions are effectively ex parte.

Although you are allowed an opportunity to modify the docket text there is generally no reason to do so.

The next business day court staff will perform quality control on your case and if necessary make any edits. Once the fee is received or the IFP motion is granted staff will print your summons, sign and seal them and mail the paper copies to you. A scanned version of the signed and sealed summons will be e-filed so that there is a copy in the court records.

Service of the summons and complaint must be made in the traditional manner.

If for any reason you are not able to docket your complaint, and IFP motion if applicable, after opening a case, you should contact the court immediately and ask to speak to someone in case processing.

OPTION 2: FILING A SOCIAL SECURITY CASE IN THE TRADITIONAL MANNER

To file a new case, you should submit to the Clerk:

- 1 paper copy of the complaint along with any attachments and/or motions or other documents being filed at the same time.
- The paper copy of the complaint should be signed by counsel. It is not necessary to scan counsel's signature for the PDF version.
- 1 paper copy of the civil cover sheet
- A 3 ½" diskette or CD Rom containing PDF versions of the complaint or other initiating document(s), civil cover sheet, and any attachments and/or motions or other documents being filed at the same time. Each attachment, motion, or other document should be a separate PDF. It is not necessary to submit a separate diskette or CD for each document.
- If you are filing more than one case, each case must be on a separate diskette or CD.
- If summonses are needed, original paper summonses (PDF versions of the summonses are not required).
- If service is to be made by private process, there is no need to submit service copies to the Clerk.
- The filing fee if applicable.

The Clerk's Office will open the case and electronically file the complaint or other initiating document and any other documents submitted. You will be electronically notified of the filing of the complaint. The notification will include your case number. We will issue the summonses, scan them, and docket the PDF versions. The paper summonses will be returned to you for service. Your diskette will be returned to you along with the summonses. The paper copies of the complaint and other documents will be sent to the assigned judge for his or her chamber's file. The official court documents will be the PDF versions electronically filed.

RETURN OF SERVICE

A return of service is almost always in paper format and will need to be scanned. It is the responsibility of the filing party to maintain the original paper version at least until the conclusion of any appeal or expiration of the time for filing an appeal. The original paper version must be made available for inspection at the request of the Court or any other party.

CM/ECF only recognizes one executed summons per defendant even though in social security cases you are required to serve the U.S. Attorney, the Attorney General, and the Commissioner. When you docket the return of service on the U.S. Attorney, under Service of Process you should chose the event Summons Returned Executed as to USA. Do **not** use this event to docket returns of service on the Commissioner or the Attorney General. While filing the return you will be prompted to enter the date of service. Although it will appear that you can set the date the answer is due, the system will automatically enter the date based upon the date service was made using a default setting 60 days. If the date of service is not entered correctly, the answer date set

by CM/ECF will not be accurate.

When you are filing returns of service for the Commissioner and/or the Attorney General, under Service of Process chose the event Certificate of Service. While filing the return you will be prompted “Should the document you are filing link to another document in this case?” Check the box next to this question. On the next screen there will be a list of the documents filed in the case. Check the box next to the complaint.

When you get to the screen to modify the docket text add in language to the effect “and summons served on [Commissioner or Attorney General] on [date of service]”

ENTRY OF APPEARANCE BY GOVERNMENT ATTORNEYS

A member of our bar can enter her or his appearance at any time by filing a Notice of Appearance using her or his CM/ECF login. **Note:** the system will only pick up the appearance of the attorney whose login is used. You cannot enter the appearance of another attorney. If more than one attorney will be handling a case, a separate notice of appearance must be filed for each attorney using that attorney’s login. If you do not wish to enter your appearance before an answer is filed it is not necessary to file a separate notice of appearance. The system will prompt you to enter it when filing the answer.

If you are an agency attorney who is not a member of our bar, you must submit to the clerk’s office a Request for Entry of Appearance on behalf of Federal Government Agency in paper format. The clerk’s office will then enter your appearance in the case. This should be done at least two (2) working days before you will be filing in the case.

Once both parties are represented by counsel who are registered users of the CM/ECF system service is made electronically through the system. You do not need to serve paper copies of documents which are filed electronically. The last screen that you will see when you docket a document is the notice of electronic filing. Your name and email address and that of opposing counsel should appear under the language “Notice has been electronically mailed to.” This is your “certificate of service.” You can save or print a copy of this notice.

MOTIONS FOR EXTENSION OF TIME

If plaintiff is represented by counsel it is not necessary to submit a proposed order. The court will most likely rule on the motion with a paperless order. Although the system will set a response deadline regardless of whether the motion is consented to or joint, you should ignore the deadline. The court will generally rule on these motions before the deadline set by the system.

ANSWERS

Pursuant to Standing Order 2006-1, the certified copy of the transcript of the record of the

agency proceedings shall be deemed an answer to the complaint which puts at issue the allegations contained therein. The government is not required to file a separate answer in social security cases unless directed to do so by the presiding judge.

AGENCY RECORD

The agency record should be filed and served in paper format just as it is currently done. It will be docketed by the clerk's office. You do not need to e-file a notice that the record has been filed.

CONSENT TO PROCEED IN FRONT OF MAGISTRATE JUDGE

If counsel agrees to proceed in front of a magistrate judge, there are several different ways the consent forms may be filed.

First, and simplest, each attorney can e-file their own consent.

Second, the attorney whose login and password are being used to file the document may obtain approval from any other attorney to state that the other attorney has authorized him or her to sign the document on his or her behalf. Such approval may be indicated as in the following example:

/s/

Sally Solicitor, Esquire
(signed by John M. Barrister with
permission of Sally Solicitor)

/s/

John M. Barrister, Esquire

In such circumstances, the attorney whose login and password is used to file the document is responsible for maintaining a record of when and how permission was obtained to sign the other attorney's name in case any questions arise.

Third, the attorney whose login and password are being used to file the document may obtain and maintain in his or her records a paper copy of the document signed by the other attorney. Possession of such a signed copy may be indicated as in the following example:

/s/

Sally Solicitor, Esquire
(signed copy of document bearing
signature of Sally Solicitor is
being maintained in office of
John M. Barrister)

/s/

John M. Barrister, Esquire

In such circumstances, the attorney whose login and password are used to file the document is responsible for maintaining the signed copy of the document until all appeals have been exhausted or the time for seeking appellate review has expired.

Fourth, the attorney whose login and password are being used to file the document may obtain original signatures from all attorneys who are filing the document and scan the document.

MOTIONS FOR SUMMARY JUDGMENT, RESPONSES, AND REPLIES

Motions should be filed just as they are in any other civil case. The main document is the motion. The memorandum in support is an attachment. Remember that if the motion, including any attachments, is fifteen pages or longer you should submit a paper courtesy copy to the court. Print out the notice of electronic filing and place it on top of the courtesy copy and send it to the clerk's office.

If you are filing a cross motion for summary judgment with a single memorandum in support of your motion and also in opposition to the first motion filed, you should use the event Motion for Summary Judgment.

To file a response or reply which is not part of a cross motion for summary judgment, choose Responses and Replies from the main civil menu and pick the type of response or reply you are filing. After you select your document, the system will show a list of all pending motions and prompt you to check which motion(s) your response or reply relates to. Click on the applicable box(es) and continue as you would for filing any document.

CONSENT MOTIONS TO REMAND

A consented to motion to remand should include a proposed order which is filed as an attachment to the motion. The order should not be part of the actual motion.

STIPULATION OF DISMISSAL

A stipulation of dismissal can be signed using any of the methods for filing a consent to proceed in front of a magistrate judge. It should include a proposed order which is filed as an attachment to the stipulation. The order should not be part of the actual stipulation.

ORDERS

The court can issue two types of orders. A regular order is a PDF document. When you receive the notice of electronic filing of the order you can click on the document number and view the order. A paperless order is a text only docket entry. There is no PDF document. Paperless orders are the electronic version of marginal orders. They are generally used for very routine matters such as motions for extension of time.

VIEWING DOCUMENTS

Documents filed in social security cases have a special security setting so that the only people who can view them via a notice of electronic filing or the PACER system are court users and

attorneys who are counsel on the case. When you receive a notice of electronic filing if a PDF document was filed the document number will usually be underlined and be a hyperlink to the PDF. When you click on the number you will be taken to a login screen. Enter your court issued login and password that you use when e-filing. Do not enter your PACER login. This is your one free look. You should either save the document or print it. Do not click on the case number in the notice of electronic filing as this may cause you to lose your one free look.

CM/ECF Filer or PACER Login

Notice
This is a **Restricted Web Site** for Official Court Business only. Unauthorized entry is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged.

Instructions for filing:
Enter your CM/ECF filer login and password if you are electronically filing something with the court.

If you received this login page as a result of a link from a Notice of Electronic Filing email:
Enter your CM/ECF filer login and password. The system prompts customers for a CM/ECF login and password when attempting to view certain types of documents.

If you have trouble viewing a document:
After successful entry of your CM/ECF login, you should be able to view the document. If you receive the message "You do not have permission to view this document," viewing the document is restricted to attorneys of record in the case and the system does not recognize you as such. If the login prompt appears again, after you have entered your CM/ECF login and password, it means that the "free look" link has expired. You will need to enter your PACER login and password to view the document, and you will be charged \$.08 per page.

Instructions for viewing filed documents and case information:
If you do not need filing capabilities, enter your PACER login and password. If you do not have a PACER login, you may register online at <http://pacer.psc.uscourts.gov>.

Authentication

Login:

Password:

client code:

NOTICE: An access fee of \$.08 per page, as approved by the Judicial Conference of the United States, will be assessed for access to this service. For more information about CM/ECF, [click here](#) or contact the PACER Service Center at (800) 676-6856.

If you wish to access documents in one of your cases through the PACER system go to the court's CM/ECF page. Log in using your court issued login and password that you use when e-filing. On the Blue Menu bar click on Query. You will see a second login screen. Enter your PACER login and password. You will then be able to access the docket and documents that have been e-filed.

People who are not attorneys on the case will be able to access the docket sheet but not electronic documents through PACER. They will be able to access the documents through public terminals in the clerk's office.

SOCIAL SECURITY NUMBERS

Do not put the plaintiff's full social security number on any documents you file. The only places it should appear are on the Statement of Social Security Number which is not e-filed and in the agency record.

PRO SE CASES

In pro se cases any attorneys should e-file following rules applicable to social security cases except that all documents must include a certificate of service.

Attorneys must serve a paper copy of any documents filed on the pro se party. The paper copy must be identical to e-filed version, i.e. printed from the PDF version.

Pro se litigants file in paper format. They must serve a paper copy on counsel for defendant(s). For purposes of computing response deadlines to documents filed by pro se litigants, it is the date the pro se litigant serves the paper document which constitutes the date of service, not the date the document is e-filed by court staff.

The clerk's office scans pro se filings. The scanned version is the official court record.

The clerk's office mails paper copies of orders to pro se litigants. It does not mail paper copies to counsel.

No paperless orders will be entered in pro se cases.

APPENDIX A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

_____ :
 :
 :
vs. : CIVIL ACTION NO. _____
COMMISSIONER, SOCIAL SECURITY :

COMPLAINT

1. Plaintiff is a resident of _____.
(Provide your City or County and State of residence)
2. Plaintiff complains of a decision against him/her bearing the following caption:
IN THE CASE OF: CLAIM FOR:

(Claimant) (Type of benefits)

(Wage Earner if Different from Claimant)
3. The date of the final decision by the Secretary against plaintiff is _____.
4. Plaintiff claims that the final decision of the Secretary is erroneous as a matter of fact and as a matter of law.

WHEREFORE plaintiff seeks judicial review by this Court pursuant to 42 U.S.C. Section 405(g), and entry of judgment for such relief as may be proper, including costs.

(Date)

(Signature)

(Printed name, address, and phone number of Plaintiff)

APPENDIX B

CONFIDENTIAL INFORMATION

**THIS DOCUMENT MUST BE SERVED ON THE GOVERNMENT
ALONG WITH THE SUMMONS AND COMPLAINT.
IT IS NOT TO BE FILED WITH THE COURT.**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

vs. _____ : CIVIL ACTION NO. _____
COMMISSIONER, SOCIAL SECURITY : _____

STATEMENT OF SOCIAL SECURITY NUMBER

Social Security Number of Claimant: _____

Social Security Number of Worker (if different than claimant): _____

(Date)

(Signature)

(Printed name, address, and phone number of Plaintiff)